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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,538	03/11/2002	Timothy Hugh Norman	RED-67	7908

20311 7590 10/21/2003

MUSERLIAN AND LUCAS AND MERCANTI, LLP  
475 PARK AVENUE SOUTH  
NEW YORK, NY 10016

EXAMINER
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ALLEN, DENISE S

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,538

Applicant(s)

NORMAN, TIMOTHY HUGH

Examiner

Denise S Allen

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The substitute specification filed on August 4, 2003 has been entered.

In light of the Applicant's amendment to the specification on August 4, 2003 (paper #7), the objection to the specification in the Office Action on May 9, 2003 (paper #6) has been withdrawn.

### ***Response to Amendment***

In light of the Applicant's amendment to claims 18 and 20 on August 4, 2003 (paper #8), the objections to claims 18 – 29 in the Office Action on May 9, 2003 (paper #6) have been withdrawn.

In light of the Applicant's amendment to claims 27 and 28, the rejection of claims 27 and 28 under 35 U.S.C. 112, second paragraph, as being indefinite in the Office Action on May 9, 2003 (paper #6) has been withdrawn.

### ***Response to Arguments***

Applicant's arguments with respect to claims 18 - 29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18 – 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Otting (EP 0 047 808).

Regarding claim 18, Otting teaches a vehicle rear view mirror (Figures 1 – 6) comprising a housing (reference 3) with a rim (reference 11), a mirror lens (reference 1), and a location frame (reference 2) having a plurality of corners (Figure 1 shows 4 corners), said frame being adapted to carry said mirror lens (Figure 4) and to locate it wholly within the rim of the housing without extending over the edges thereof (Figure 4), said frame and/or housing being made from a resilient material (page 4 lines 8 – 9), the frame being a resilient snap-fit within the housing (Figure 5) and said housing and said frame being releasably detachable.

Regarding claim 19, Otting teaches the housing provided with frame retainment means (reference 11) and the frame is provided with housing engagement means (reference 10).

Regarding claim 20, Otting teaches the frame retainment means comprises one or more releasable catches (reference 11) and the housing engagement means comprises one or more abutments (reference 10), which co-operate with the catches.

Regarding claim 21, Otting teaches the frame is provided with lens engagement means (reference 12).

Regarding claim 22, Otting teaches the lens engagement means comprises one or more abutments (reference 9) adapted to engage the lens.

Regarding claim 23, Otting teaches the lens is a resilient snap fit in the frame (Figures 2 and 3).

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Regarding claim 24, Otting teaches the frame is made from a resilient synthetic plastics material (page 4 lines 8 – 9).

Regarding claim 25, Otting teaches the housing comprises a casing (reference 3) adapted to cover the rear face of the lens.

Regarding claim 26, Otting teaches the lens is flat (Figure 4).

Regarding claim 29, Otting teaches the frame is provided with slots (Figure 1 slot in each corner like slot at reference 8) at each corner to provide further resilience to said frame.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otting.

Regarding claim 27, Otting discloses the claimed invention except for the lens being made of unbreakable polycarbonate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the lens out of unbreakable polycarbonate, since it has been held to be within the ordinary skill of workers in the art to select a known material on the basis of its suitability for the intended use. One would have been motivated to make the lens out of unbreakable polycarbonate for the purpose of providing lens durability.

Regarding claim 28, Otting discloses the claimed invention except for the lens being made of glass. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to make the lens out of glass, since its has been held to be within the ordinary skill of workers in the art to select a known material on the basis of its suitability for the intended use. One would have been motivated to make the lens out of glass for the purpose of providing greater reflectivity.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise S Allen whose telephone number is (703) 305-7407. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

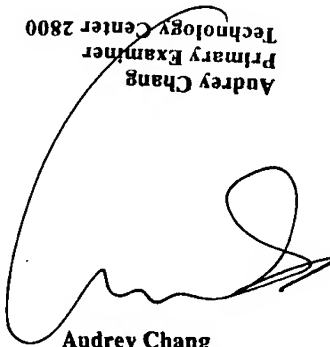
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Denise S Allen  
Examiner  
Art Unit 2872

  
dsa

  
Audrey Chang  
Primary Examiner  
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